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19 **IN THE UNITED STATES DISTRICT COURT**
20 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
21 **SAN FRANCISCO DIVISION**

22 NETFLIX, INC. a Delaware corporation,
23
24 Plaintiff,

25 v.

26 BLOCKBUSTER INC., a Delaware
27 corporation, and DOES 1-50,
28 Defendants.

No. C 06 2361 WHA JCS
Judge William Alsup
DECLARATION OF ETHAN PRESTON

DECLARATION OF ETHAN PRESTON

1 Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

- 2 1. I was not aware of the instant litigation between Netflix, Inc. and Blockbuster Inc. until I
3 read the article attached as Exhibit B to this Motion to Intervene on or after September
4 8, 2006.
- 5 2. I was not aware that Netflix had any particular patents, let alone the U.S. Patent Nos.
6 6,584,450 (the '450 patent) and 7,024,381 (the '381 patent), until I read the article
7 attached as Exhibit B to this Motion to Intervene on or after September 8, 2006.
- 8 3. I declare under penalty of perjury, that the foregoing is true and correct.
9

10 Pursuant to Section X of the Northern District of California's General Order No. 45 on
11 electronic case filing and 28 U.S.C. § 1746, in lieu of Ethan Preston's signature on this
12 declaration, Alan Himmelfarb attests that Ethan Preston is the signatory of this declaration, and
13 that Ethan Preston concurred to this declaration on October 11, 2006.

14 DATE: October 11, 2006

15
16 /s/Alan Himmelfarb
17 ALAN HIMMELFARB
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